

VILLAGE OF OAKWOOD  
COUNCIL MEETING MINUTES  
March 8, 2022

ATTENDED

Johnnie A Warren – Council President  
Chris Callender-Ward 1  
Eloise Hardin-Ward 2  
Paggie Matlock-Ward 3  
Mary Davis-Ward 4  
Candace Williams-Ward 5

Jim Climer-Law Director  
Brian Thompson-Finance  
Tom Haba-Service  
Daniel Marinucci-Building  
James Schade-Fire  
Mark Garratt-Police

ABSENT

Gary Gottschalk-Mayor  
Ed Hren-Engineer  
Carlean Perez-Recreation

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**Meeting opened at 7:01 by Warren**

Pledge of Allegiance and attendance taken.

**Motion to approve the minutes from the February 22, 2022, Finance Meeting by Gaither; Seconded by Callender**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis      **Abstained:** Williams

**Motion to approve the minutes from the February 22, 2022, Council meeting by Davis; Seconded by Gaither**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis      **Abstained:** Williams

**Motion to approve the minutes form the February 22, 2022, Work Session by Davis; Seconded by Callender**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis      **Abstained:** Williams

**Clerk's correspondence:** Just wanted to give a big thank you to Chief Schade, the firefighters, Tommy's guys for helping to get the flyers out as quickly as they did to make last Thursday's public meeting happen. Regarding the Cape Cod anniversary, I did send an email to Mrs. Chapman-Wynn, and I did pose the question about the parking for the event. She responded, 'This is the type of question I have for the village. I am about to send a letter to each department head with questions specific to their area. After I receive answers and sort things out, I will get back to you and get on the village council schedule.' She will come and speak to us when she gets the answers.

**Police-Garratt:** I was returning Mrs. Chapman-Wynn's email. We were just trying to figure out where she was trying to have it. She said at the intersection of Somerville and Laurelton. I was going to ask if we shut Laurelton down and do that whole area. I will get with her and brief you guys before that. The only thing that I wanted to report was I received a letter from a public affairs specialist from the SSA. NEO has been plagued with a bunch of fraudulent phone calls especially toward the elderly. If you don't send in a fee, you will owe for this or that. The SSA or any other government agency will not demand any payment in lieu of arrest or whatever the case may be. I know that sounds like common sense, but these people are picked on very skillfully. A lot of our community is an older community, and they are victims of it. The flyer is on our website, it's in the lobby and at the community center. If anybody has any questions about fraudulent calls, just call us.

**Fire-Schade:** Everything is going good in the fire service. I gave paperwork to you guys showing the ambulance billing is recovering well. We did \$8,000 over what we did before the pandemic. We dropped a lot before that because a lot of people weren't calling. But this Village has always been very aggressive and back in the '90s there is one member left from back then. We made a deal. We were a volunteer department at that time. We had the same arguments 30 years ago. That's America. We decided on this contract, and it was to do services for Walton Hills. The contract wasn't set in stone forever. We were constantly upgrading it and changing it. Right after that, Mr. Warren came on about a year after that. It was going good then but it's kind of debunked. We were doing most of the calls and they were getting the money and they were charging more interest. Long story short, we adjusted just like the contracts you are looking at now. It's not set in stone, but you needed to take that initial step. That was unheard of and it's still unheard of for a full-time

department. Since 2009, we have collected \$1.2 million a year between ambulance billing and the contracts. As long as they stay happy, that money is guaranteed. As long as we keep on working on it and upgrade our program. Like we do the smoke detectors and the carbon monoxide detectors for free now. Not that we can afford it, but it keeps everybody happy, and we make it work within our budget. I just wanted to bring that up that we have done this all along with this concept. We have looked at things and we may not agree with it but for the good of the village overall. Things are constantly upgrading. The Mayor has been planting trees for 30 years now and we are constantly looking at it. I attended the meetings at the fire station yesterday with the zoning. They actually make some pretty good decisions, and they listen to reason. I am supporting Council with whatever you decide. If you look at the background, these things really work.

**Building-Marinucci:** In 2018, we condemned 3 houses that were in the county demolition program. Although we were in timely, in March 2019, they stopped the program and the funds that were set aside for OV taken away. Thanks to Ross Cirincione, we reapplied for the monies and next week the two houses—one on Free and one on Wright—that have had complaints of rats and the basements are flooded. With all the letters and phones calls asking when we are going to do it, next week they will start tearing them down. **Warren:** How many do we need to take down? **Marinucci:** Originally there were 3, but when one of the individuals received the condemnation letter, he called. He got a structural engineer involved, fixed everything and I had inspections regarding the electrical. It's come a long way and that one property that was condemned is going to be used. He put a lot of money into it. That was on Wright Ave. **Davis:** A resident said she came to your office and the door was locked. Are you still locking? **Marinucci:** Council wanted it opened and then Debbie got really sick, so we closed it. We have been having meetings in the office non-stop. The way I am going to do this it's going to be opened. They are going to knock on the door, and I am going to let them in. We will have inside office discussions. When you go to these places, you get buzzed in. If we get a buzzer that would be easy. **Warren:** Our position and I believe the Mayor shares in that position is that this is a public building. We don't want anybody knocking on doors. It should be opened during business hours without anybody knocking. We have got people that you may not hear them knocking. We have seniors and we were promised it would be open. I am saying we want it open after today for what the hours are. **Davis:** Someone else mentioned to me that you bring your dog to work? **Marinucci:** Yes, I bring my dog every now and then on a Monday. **Davis:** Only on Mondays? **Marinucci:** Only on Monday and it's not every Monday. And sometimes when I go on inspections, I take the dog with me. That's a positive. **Davis:** Some people that come in may be allergic to dogs. **Marinucci:** That hasn't happened, and most people are very positive of it. **Matlock:** In any place of employment, we can't bring out animals to work. The animals should stay at home. You should be in that office without your animal. In a normal place of employment, I can't bring my dog to work with me. **Marinucci:** That statement is not totally correct from the standpoint that the Lake County Prosecutor's office allows people.... **Matlock:** But you are not the Lake County Prosecutor. You are building department. **Marinucci:** I can also say that the Lake County Treasurer allows it. **Matlock:** But you are not the Lake County Treasurer. You are OV building department. I don't think that a dog coming with you to work every day or even one day a week, you shouldn't have an animal in your place of employment. **Mayor:** One thing that will be coming to you, there is a house with a new metal roof. Nothing wrong with the metal roof. The problem is it doesn't match the house or anything around it. The Council will be working on something. Imagine how bright it is. **Hardin:** It's beautiful if it's the right color. But by law, we can't say anything about it. **Marinucci:** They are coming in all the time btw. **Hardin:** If you go and look, you will see what the calls were about as appears in the neighborhood. And it's very expensive. It costs a fortune. As a Council we can talk about it. It's too late. The home is gorgeous. **Marinucci:** It's better than the asphalt. **Mayor:** But again, in the Meadows, when a house went up, the planning commission reviewed the color and how it worked with the rest of the houses over there. I think we need to be thinking in terms of regulating color. This will be coming to you but wanted to give you the attention. We are all for it if it matches a little better. **Warren:** Are they going to change the color? **Hardin:** No, they are not going to change it and it's beautiful except it does not.... **Marinucci:** What color is it? **Hardin:** They color of Gary's pants. It's not a matter of public discussion at this point because that's the homeowner's choice and that is their right. **Warren:** The only time that I have seen where colors are selected by subdivision, and you have the subdivision to restrictions is when properties were historic. With historic, they have communities all over the nation that have a mandate that they have to have certain colors. Especially if they have to renovate, they have to go to historic preservation committees to get approvals. In this case, it's houses and in buildings. **Gaither:** Shaker Heights maintains certain roofing types. You can't just put anything on your roof in Shaker. **Mayor:** What if you have a resident that wants to paint his house pink? There has to be something where there is some common sense involved. We don't want to be forcing people but so this has a little bit better match. **Warren:** What we have to do is just start doing an investigation of other communities and what they suggest. **Marinucci:** The application that comes in for a roof, we never ask the color. Maybe that is what we have to do. It just comes in with a documentation that it meets what we need.

**Hardin:** Even so, now that the law director is involved, we will look at it. **Warren:** The tough part is that they spend \$12,000 and we tell them what color. I think that is something we are treading on thin line. **Hardin:** This is along the line with the solar panels. Do we have anything on the books about solar panels on how they got to look or anything? **Marinucci:** A solar panel is a flat panel that sits on top of the roof and what we look for is to make sure it is electrically done correctly because you have to power it. **Hardin:** But you have to get a permit to do it? **Marinucci:** What makes it so expensive, you need a stamped set of engineering drawings. If it is not done right on the roof, you lose \$60,000. The last one was \$68,000. **Schade:** We are working with the building department as we have a lot of fire codes, too. It is very dangerous even if the system is down, it can still be charging. So, we have a safety issue. The fire department is licensed with solar panels, too. **Davis:** Do you have regulations on solar panels? **Schade:** Yes. That starts at the state level on what is allowed. **Davis:** If we have nothing from our village on what to go by. **Schade:** We can get you the state codes if the Council may be additional ordinances. Like roofing. We have a kind of standardization. We are allowed as a community to do that to keep everybody safe and on the same page.

**Finance-Thompson:** Other than topics discussed in the Finance meeting, I don't have any additional reporting tonight.

**Service-Haba:** Just a small thing besides snow removal from last meeting. I have never seen the potholes so bad as they were a few weeks ago but the weather hasn't been up and down as much. We had a big pass, but they still come back. Just not as bad. Today, except for a couple of odd jobs, we spent most of the day picking up the loose asphalt and concrete from the holes we patched last few weeks. We filled up a dump truck and still had a lot more after that we picked up. Tomorrow, we are going out again patching holes, but they are not as bad. As I mentioned before, we have the NOPEC grant to put LED lights in here like we did in the other building and the community center. Most of it is not quite done in the community center, the service garage, a lot of Village Hall. We are doing the fire department now. Most of the offices are done there. We just have the lights in for the bay late last week. It is so high up there. We can take the lift truck in there, but we must leave it running. The truck is 40 years old and with the exhaust, we rented a lift for the week to take in there. That wasn't too expensive at all to change those lights next week. Other than that, we have been redoing the ladies' bathroom in village hall. The ladies have been complaining about a couple of years. We are in the middle of that, but it should be done by the end of this month. **Mayor:** As much as we enjoy the 60-degree weather in March, it drops down to 20 and it's rough on the asphalt. **Unknown voice:** So is Fair Oaks. **Haba:** So is Fair Oaks but it has been that way for 15 years. But we are there tomorrow. It is getting redone. **Mayor:** Middle of July it is going out for bids and the construction will start.... **Unknown voice:** We are just taking bids? **Haba:** We are doing Fair Oaks and Oak Leaf tomorrow. **Davis:** When do you get to patch with the real stuff that gets to stay? **Haba:** When the weather changes are when they start making it. One of the bigger companies around here, last year made a hot mix in the winter and we would get that. It holds a little bit better. Problem with that is once you get it, you got to use it. Like with the coal patch, we can put it in the hot box we bought about 15 years ago. If we get 4 ½ tons and use 2 tons, we have 2 ½ tons we can use the next day. But we want to use the hot batch anyway because the holes are so bad that they do hold better. But I made a couple of calls, and nobody is making the hot mix this winter.

**Law Director-Climer:** I have no report unless there are questions.

**Mayor:** No report as well other than to wish everyone well and to stay well.

#### **Public Comment:**

**Resident 1-Ben Sizemore 25091 Garden Road:** I want to ask, when you take the oath to get sworn in, do you take the oath to represent the people? Or do you take the oath to represent corporate America? **Warren:** We represent the people. **Resident 1:** The people have been pitching about the Kroger going in and it was brought to my attention that on Broadway Ave down by Advance Auto Repair, there was a semi parked down there that had a reefer unit on, it had a big sleeper unit on it as well. It was kicked out of that area. Commercial trucks go in there all the time. If everybody is concerned about the environment where we are going to putting the equipment in and I know everybody would like to get this in here and make it go. I would like to see it go. But the thing but I don't want my neighbor being mad or uncomfortable after they have been living there so many years with this aggravation with the semis going in. I don't know how many bays are going to be there because they are going to be garage door style and they all have padding for insulation. Usually, it's quite a bit of work when you have so many semis going in and you got 2-yard horses moving around there 24/7. I told everybody that Giant Eagle has the same operation. That's the closest. Cisco Foods used to be

over there on Royal Road. They built a bigger place out on 480 by Olmsted Falls. Before you go diving in and making it all go ahead, I think you take a good look at this because you're going to hear this on Garden Road. You are going to hear this on Alexander. You can say what you want. I have been at this for over 45 years. I know them trucks and when they come bouncing through there and you see these semis. I know there are going to be short wheel-based trucks in there and that is what they use in town here up and down Broadway. Once in a while, you see a big freightliner coming through there. They take up a lot of room and they tear up more than they fix. You need to redo the police department. Get them all qualified to check out some of these weights because they tear the hell out of these roads. You are going to put a big expense on some of that. I just wanted to bring that to your attention. That's all. Just be fair to the people. I took an oath a couple of times to represent people. Let me tell you what; when I went in to represent people and there was nobody else, I was standing there for. You call me up to do something and I tell you I am going to do it, you can go to the bank on it, brother. That's the way I take you all. You take an oath. And let me tell you what? You will have to answer on it one day when you put your hand on that golden book. Every one of us and you are going to be accountable for it.

**Resident 2-Pat Rogers 25160 Stephen Road:** I am going to flat out ask you to vote no on 2022-11 and 22-12. I am going to read what I wrote. I know everybody knows it but you're going to hear it again. 5 years ago, when Ward 4 and the community was asked to rezone the property currently owned by Premier, we were shown beautiful glass front office buildings that would be seen from the freeway with potential tenants like computer software, accounting firms and medical company headquarters. The Mayor was firm. He was expecting a certain amount of payroll. \$48 million was what he told everybody with \$1.2 million withholding to the Village. **Mayor:** It was never \$48 million. **Resident 2:** Yes. You want to read this paper? You put this out. **Mayor:** Again, not \$48 million. **Resident 2:** You put this out to the people. You want to look at it? You put this out. **Mayor:** Premier wouldn't even agree to \$30-\$35 million. **Resident 2:** But you were firm about what you wanted to have. I don't know how many companies you rejected looking for 5 years, but none of us knew what the heck you were doing. So, as luck would have it, 2 years ago, COVID hit, and people started working from home and started having groceries delivered. Both are a product of COVID. We are coming out of that now. People will be coming back to offices and are still choosing to go to the grocery store. At least, it's pretty crowded when I go. So, I hate we have to settle now for Kroger. The company has not had a footprint in NEO for years. There is already a lot of established competition out there. Amazon, Walmart, InstaCart; the list goes on. Remember that \$48 million payroll that the Mayor now says he didn't say, we are only getting his estimate of \$18 million from Kroger at \$450,000 a year to the Village. I just wish we could keep the agreement with Premier and hold out for something comparable to what we promised OV. Now, when it comes to the public meeting we had, I think this green flyer that went out certainly was not something that everybody understood what was happening. And all the people there were against it. So, why don't we send out a survey and get the opinion of everybody in the Village before we go ahead with this project. I don't know what ya'll think but we had to ask everybody to vote on it. And now we're here representing the people. So, why don't we do something like that.

**Resident 3-Pat Malone 22796 Drake Road:** I want to thank the Mayor. I haven't had time to read this, but he has done something to get some kind of sound barrier which I have been asking for a number of years. He is going to be looking into it and I am thankful for that. I don't agree with the Kroger building. It's the same thing that has been said time and time again. He started with one thing. He went to another thing. Then, we've got this now. And where are there any Kroger stores around here? They are all in southern Ohio if there are any. I haven't seen a Kroger store around here. Just clarify one thing for me. It's not a store; it's a distribution center. Who are they taking this food to? To residents like Giant Eagle or Walmart? Is this basically the same thing? **Mayor:** Individuals are calling and having it delivered to their home. **Resident 3:** That's what I meant. Giant Eagle, Walmart deliver home. So, this is what this is going to be. So, it's going to be in competition with the stores we already have doing it. **Mayor:** Well, this is going to be slightly different as the scope is going to be much, much bigger and the impact is going to be much bigger because those stores won't be capable of this store. This is going to be a hub to furnish people in a radius of 110 miles. They are not delivering to institutions. They are delivering to individuals. In fact, San Antonio just announced they are doing this, and they amount of people calling in for food delivery has gone from 5% to nearly 20%. I don't see that changing. Particularly for seniors. If you have a caregiver in your home, they no longer have to go to the store. It can be delivered directly and at a cheaper price. With robotics taking a role, you are going to have things being done cheaper as well as you will no longer have to spend \$4/gallon to go to the store when this will all be also rhythmic. There are going to be 25 of these in the country. **Resident 3:** What number are we? **Mayor:** We are in the area of 4-7. **Resident 3:** So, there are already 4 up and running. **Mayor:** Yes. And they are all doing far more than what they expected to be doing. **Resident 3:** I am not in favor of it, but it's up to you and Council. I know you're thinking.... I just don't understand how we are going to make

so much money out of that when.... Are these robotics going to get paid and we going to make money on them? Or just the 400 people that might be employed there? **Mayor:** Speaking with Kroger, they don't think the robotics are going to take away much from the payroll. What may happen, particularly in the state of Ohio, drivers can ask now more than ever, "Why should I pay taxes where I am working when I am only going to be there for 20-30 minutes when I am out delivering for the rest of the day? I should be paying where I am living rather than where I am working." So that may be the hit on the payroll. But the point is, regardless of what payroll is, at \$18 million-which is guaranteed-\$450,000. If the payroll is only \$10 million, they have to make up the difference in the year that was a shortfall. In addition, we are getting from the building \$165,000 because that is the tax money that would be going to the county. It's coming back to OV. So, you are looking at a guaranteed, from the 3<sup>rd</sup> to the 15<sup>th</sup> year to OV, \$615,000. In the first two years since they are clearly not going to hit the \$18 million, they will not be penalized. They will still have money coming in, but it won't be equal to the \$18 million in payroll. **Resident 3:** I hope I live long enough to see that. Going to a statement that you made about the drivers, did I understand correctly at the meeting that these people do not have to have CDLs? **Warren:** For the van drivers, they don't. **Resident 3:** So, these guys can just tear up and down. **Mayor:** No, they will be interviewed, and their driving record will be looked at as well. But at the same time, it's an opportunity, OV will be assisting Kroger in the interviewing to make sure that we get our fair share if they are interested in doing this. **Resident 3:** I have said how I feel. I hope that everyone uses their heart and their head when they vote.

**Resident 4-Kimberly Chapman-Wynn 7210 Lynbrook Drive:** I just came tonight to make sure all the department heads knew who I was. Hearing everyone talked reminded me. I went to the public meeting, and I was reminded of a couple of things. Mayor, you told my 96-year-old aunt that she is not going to the grocery store anymore and spend 2 hours. You are going to have a fight on your hands because she lives for that. I did just hear on an NBC affiliate today that Kroger was coming, and I was listening closely to see if they did say anything. But it's out there and they are trying to get footprint in NEO. They are hoping this will grow back into stores. **Mayor:** No more stores. **Resident 4:** But I wanted to mention again. Most of you heard me back in October. Growing up in this community, it was such a small community. We really need to focus on community, civility, and collaboration. I think listening to everyone and being present last week, the cart was before the horse. The process should have come before the product. It seems that we are already talking about the product but miss the process and how we communicated with the residents. That included even the little green sheet that went out. What information could have been put on there to answer a lot of questions. I hope in the future when you are doing something like this and I hope you will be doing something like this again, that you think 'what do the residents need to know first,' because we are one village. What do the residents need to know first, how it affects you, Q&A. These are the types of things that will be happening. This is what it means. Then have a public meeting and half the discourse that was there would have been eliminated. I think it would have been a more productive meeting. So, I just ask you again that I asked you to think about process over the product. Also, the engineer, he happened to forget, and he said he forgot, what the impact would be on for 271. He was focused on what would happen on Fair Oaks and it wasn't until somebody asked him about 271. He said, 'Oh we have done all these traffic studies. And intuitively I don't think it will be an issue because most part of the traffic is between 8 & 9.' Well, intuitively and factually as someone who drives their daughter to school everyday at 7:45, that backup at Forbes and 271, is an issue on both sides. **Mayor:** He was saying that would be the impact and Kroger would not be doing it from 8-9am. It will be 6:30-7:30. **Resident 4:** He said 7-8. **Mayor:** That is why they are avoiding that 8-9 because you are absolutely right. **Resident 4:** I wanted to clarify because that is an issue, and he did comment it was not coming onto the residential streets. I wanted to be mindful that it was not about the residential streets. It was about the residents trying to get out to work and school. And that is when the busses are leaving too because I am passing them and sitting behind them. So, just a point of clarification, that is one of those areas if we focus on process and write those types of things out. Even have a disclaimer, 'don't hold me to this right now.' Just give the residents more information. So, again process is key to community, civility, and collaboration.

**Resident 5-Tom Kormanec 23307 Alexander Road:** I wasn't planning on saying anything tonight, but I can't help myself. First off, I do want to thank the Mayor of always pushing forward for the Village. He does want the Village to succeed and be successful. So, thank you. Two, on a personal note, I don't want this to happen. I don't. There is more opportunity to come and if you think that this is it, we have to do this or do nothing. I don't believe that. I really don't. I have been in construction my entire life. We'll see what is going to happen in the coming future, in construction, the interest rate are still very low. There is still a ton of opportunity for other business to invest in a place. Then, I want to thank Council. After the last few years or months with this whole project, I come to these meetings and you guys listen. Whatever your residents want you to do, I am asking that you think that way. Chips will fall where they may. It was

voted upon that is now an area that can be used for development. Whatever you think is best for the Village, do it that way and we'll live with it.

**Resident 6 SeMia Bray 6100 Richmond Road-Power Clean Future Ohio:** Thank you for this forum and thank you for the community meeting. Like my fellow residents, when I got the green sheet, I came to the meeting because I didn't know what it was. On the paper, it referenced an attachment but there wasn't anything. When we were talking about this, if you remember, I said, 'Are we thinking about a air study to look at the impact because everybody deserves clean air to breathe.' We are thinking about that no matter what development comes. Well, I am pleased to say, I have found a resource and I will put my information here. It's a resource that is available to municipalities at no cost because that is how strongly I feel about it. I know municipalities have limited resources and you may not be able to afford it. But I think it is important for the residents closest to this project as well as all of us. Because air doesn't stop at Broadway. Air doesn't stop at 271. It goes through this Ohio community and if we are going to be making a decision, whatever it is, I think we need to be informed and understand what affect it will have on our air quality. Because that is one thing if something happened to one of us right now where we cannot breathe, everything would be secondary. So, I have my information here and I am happy to talk with you or whomever so I can share with you that information so that you can do your due diligence. It is a free resource, and it is available to municipalities to be able to not only do air studies but other things as well that can help the environment be safe for everybody who lives in it. I believe in being part of the solution.

**Resident 3:** I have another question. I go down Broadway and I get to Broadway and Richmond Road and there is a mess. What is it going to be or what was it going to be? **Warren:** By the bowling alley. **Resident 1:** It is a mess and getting worse. **Mayor:** It was going to be a grocery store, but the problem has been the owners of a small piece of that land, are the bowling alley and they are going through their own financial issues and really want to sell. Therefore, needing that other little piece and not having it happen yet, it's been a mess. It's unfortunate. The problem is acquiring that land and he can be satisfied to move forward. He hasn't been able to, and the bowling alley can't speak for themselves. The bank is speaking for them and it's getting very difficult. **Warren:** When he originally put his site plans together and submitted them to building, he had made a commitment to start. He found out after he got his review that he needed more land to comply with the engineering requirements for the building. That is when he realized he needed that extra piece of land. Didn't you say the bowling alley was in receivership? **Mayor:** It's really unfortunate. They are doing reasonable business. The offspring of the original owners, they are in worst health than their parents in their early 90s and they really would like to sell. The bank is having to represent them and that has been the tie in. **Resident 3:** Well, kind of like Ward 4. Not being able to speak. It's a mess down there and was it going to be like a mini mart? **Mayor:** No, this was going to be an organic food store. **Resident 4:** She brought that up. Community, collaboration and civility. I walk and one way to learn the community is to walk around. I ended up talking to all kinds of people in OV. I walk Richmond, down Broadway. You're right. It's a mess but my request is, it's about to be spring and I called you once before. I fell over. The planks were up. Same thing when I walk around, there are stones. It's really unsafe. I know you think that not many people walk that corner. I walk that corner and it's like **\*inaudible-multiple folks talking and laughing\***. **Mayor:** On a per captia basis, we have more all-purpose trail than any other city in the state in Ohio.

**Warren:** I will close the floor. We are faced all the time with issues that we have to make tough decisions about and in every station of our lives. I am sure many of the residents who have been here a long time will remember back when they initially started talking about widening Broadway. People were against it. They said tractors and trailers are going to be going up and down tearing up the street and there is not going to be any room. Then Broadway Phase 1 went in. Broadway Phase 2 went in. the widening because it was very narrow then. After it widened all the way to Richmond Road and what it brought in was the Broad Oaks office parks. Had the road not widened, those developers would have never sunk all that money into Broad Oaks which is the office park near Richmond. We had to make a decision about that. When they talked about building hotels, people started talking about that. 'Ah the road is going to be widened, they trucks are going to be there and now you're going to be bringing in hotels with prostitution.' Everybody heard that. And what happened is those hotels are servicing local businessmen that have people coming in to visit their companies and their CEOs and families that are staying at those hotels. As well as OV families who have family reunions and things of that nature. There are a lot of things and concerns that create controversy. There are a lot of concerns about making those decisions. We did find out that the hotel was a good decision. That widening Broadway was a good decision. But it was very controversial. I remember before I got on council, there was a paper being passed around OV call 'The Voices.' It had cut and pasted all of these stories about what was going to happen and the things that the Mayor was doing and the Council was doing and the residents were doing. Every time that there is an issue to this magnitude, I don't stop making a

decision based on fact, I say a prayer. When people say you can't mix government with religion, that was in England. Not here. Because the England church was running the country. All I am saying is we have to make decisions for the betterment of the Village. To make sure that everybody in the Village is safe and secure. But we have to do the best judgment that we can. We did research. Right now, those big buildings that Progressive Insurance have over in Mayfield are partially occupied because they realize now that they get more efficiency from the people working from home. Now, those buildings, it's cheaper to operate those buildings without the electric and the gas, etc., to those levels because the pandemic changed everybody's lives. It has a lot of ways people do business. We don't have a crystal ball. We know we have been waiting a long time for the office warehouses to be done and I am looking at downtown Cleveland. The offices are turning into residential structures. This is the dynamic for these commercial buildings. You don't know how many buildings that I oversee that have been converted. Like I said, this has been a challenge. We had to do our research to see what the possibility is. Is it a strong possibility that someone could put offices there and put enough people in there to generate enough revenue we expect? But offices are not the thing as we see it now for our future. And neither does corporate America. This is one of the considerations when we did our research in order to come up with something that is palatable to everybody. We built a home for all of us. We live in it. It's not like we are making decisions and going to another town. We have to live with our decisions and so do our families and our children. The thing is we have to make sure that all of the things that were requested and required of the developer to the maximum that you could get like the mound. This not a haphazard decision and I apologize to everybody in here and in OV by the way it was presented. Because we weren't satisfied with it either. We sat here from day to day to get all the facts in order to make a decision that would be fair to the people in Ward 4 that have a concern in addition to the needs of the entire Village.

**Matlock:** As the newest council member here, I feel that it is a big burden put on my shoulders to make a decision on what to do with OV. I have asked and did research on this fulfillment center. I have a little bit of a background in delivery service. I work with the younger generation and ask them the question, 'what would you do for this? What would you do for that?' They will tell you so many different ideals that they have. It's not the ideals that we had when we grew up. It's not the ideals that my parents had. These young individuals now live in a technology world. The young generation now, even if you say no, they have done their research on this on what is going to take place 15 years down the line. These young kids now don't even want a driver license. They want to Uber it. My daughter does InstaCart. It is not the older or the elderly she is delivering to but the young people that don't want to go out anymore to grocery stores. It's something to think about when it comes to office work. I have another daughter that works for Progressive, and she works from home. They live in Arizona. It is more beneficial to work from home because they have time with their family. The point that I am trying to make is this; she has learned from us as we have learned from my parents that things, they have instilled on us, times are changing. They are changing drastically. Everybody has learned from this pandemic that they can do more at home. And companies have found out that it costs them less money to keep their employees at home. They get more productivity. At work we are begging for employees, but we can't get them. Now we are going into robots. Robots are going to do all processing. This is the new generation now. They are telling people to prepare because the baby boomers like me, we're leaving. And that big thing on unemployment that everybody doesn't want a job? Pandemic made all those baby boomers retire. These big companies are now finding one thing out; the baby boomers were holding us together. These young kids are not coming in. If they come 365 days, they are probably not there 340. I have to think with my heart, and I talked to individuals who live in the area just to get their insight. However I vote, it's something I have to hear from them. Even when you talk with your elderly, they give you some time of recourse. You have to think this is what you're going to do. You have to community; you have to collaborate. And some things just by being in business, you may make a decision now but there is always room to make it better. We are going to end up tweaking a whole lot of things if this comes out. If we don't like it, we have to tweak it and make it better.

**Gaither:** Just piggybacking on Ms. Matlock. So many of my family members work in the insurance industry. My grandson and his wife live in Florida. He works from home. They don't have to stay in Florida to work because they work from home. They can work wherever they want. They don't have to be in the country as long as they have internet connection. We are seeing a whole new shift in how this world is operating. Not just what is going on in OV but the whole world at large is changing. You have to change with the world. We have no choice. You have to change with the world or you just be left out. When I vote, it will be for the best solution that I come up with for the entire community. I have lived here since 1999, grown to love the people here and the community. I only want the best for here. Sometimes your decisions are based on heart and prayer. But they are the best decisions that each individual has to live with. Just as our council person said, nothing is etched in stone. There may be times of compromise or rethinking or whatever you have to do to get there.

**Hardin:** It's been so duly noted as somebody sitting here is a senior person. We draw on our experiences. The President made a statement regarding religion. I have prayed over this, and I am drawing on my experience as a resident and as a long-time councilperson. As a resident vs. a councilperson, when I put my hand on that bible and you are correct. There is going to be a day when the sky cracks open and we all **\*inaudible-multiple voices\***. It's not all going to be about this. I agree with you. When I put my hand on the bible when it relates to this office, to the best of my ability, I will use my experiences, my heart, my knowledge. I have done a lot of work researching this agreement. I even contacted a nephew to go through it. But I had to draw from my own experience. This is near and dear to my heart. I would not put on you that I wouldn't want. I would not give you something that I feel we cannot work through if in fact, it passes. If in fact this happens and those trucks become a problem, I will lay right down with you. Here is where my head is with this. It took me a while to get over the fact that I am looking for these beautiful office buildings. And until I came to the reality of what was said by my fellow councilperson; it's never going to happen. I finally came to grips with it. I went to Salt Lake City to learn about robotics at Ohio Bell. When you got your bill, all the information used to be one tapes and manually we would mount these tapes all day and all night. 24/7. I was privileged to be required to train on robotics 10 years ago. The tape drive operation changed 10 years ago and here I am hearing this tonight. If in fact that I felt we could not.... To you sir (Mr. Kormanc), I promise that your area will be restored. You are entitled to that. You don't pay the price as a homeowner. We talked and we are going to work on it the best we can. When I was asked what I swore to; that's what I swore to. I tried to put myself in the other persons' shoes because I have been there. Thanks be to God, had he not stepped in, we would have a mess. I have talked to this Mayor and I have been guaranteed certain promises regarding truck traffic. **Warren:** All of us. **Hardin:** A lot of work has gone into this. We have to look you in the face after all of this is over. I am going to speak for me. I have put a lot of thought into this. Whatever this vote is tonight, I cannot avoid you. However I vote, I want you to know I gave this a lot of thought. I am going to do anything and everything possible to make certain that these numbers don't start bouncing around, that we get what we were told we are going to get.

**Callender:** I will be brief. When this first happened, office buildings were ideal. Office buildings are obsolete now. We had to think outside the box and put something there that will benefit us as a community. The guaranteed money between the years 3-15 was important. Also, during the pandemic, my wife got a job working from home. It's convenient because we have kids that are active. She doesn't even go to the grocery store anymore. She does curbside pickup. A company like this would make it more convenient for us where we don't have to go to the store and shop for hours. It will be at our doorstep. I live in the Meadows. You can look all day long; there is Amazon trucks, FedEx, UPS. It's all day long. It's just more convenient for larger families to have that kind of option. I am not going to say which way I am voting but I do think the stability of the Village is definitely important. Just keep that stuff in mind and have an open mind. We have looked through this stuff for days and hours. There is so much work that has been put into it and the Mayor has answered countless questions from us. I appreciate all the input that everyone has given. It's definitely something to think about and move forward one way or the other. **Resident 2:** Would you still feel that way if your property butted it? **Callender:** It's a possibility. I have to look at what's best for the entire Village. **Matlock:** And just one more thing since you are a truck driver (Mr. Sizemore). I understand what you are saying about the tractor trailer noise. My husband had his own trucking business. **Resident 1:** My biggest thing here is, don't put something here in our yard that you won't have in yours. I have seen people get up and almost beg not to put this in their yard. I know the whole Village; a lot of people care about each other. I care about all my neighbors. But you can't tell me that this company is going to be legit with you guys. I have walked the walk. A hub is a hub. Just like a wheel. It just keeps going in and out at the same time. You are going to dot your 'I's and cross your 't's. I don't want to get up and smell diesel fuel. I have it in the back. I smell them tow trucks all the time. I am retired. I am supposed to enjoy life. I don't want to be down here talking to ya'll. I love you to death. I love my neighbors. Do the right thing for the people. Don't be like those guys in Washington D. C. Don't make the people pay for it. This building (Village Hall) belongs to all of us. When you make that decision, remember that. I have been praying every day. **Warren:** Wherever this thing goes, there has been a lot.... **Resident 1:** Misinformation. **Warren:** Well misinformation but when the information was received by us, whether we vote for it or not, a lot of things we insisted upon has been done. It has nothing to do with the money. The dollars didn't change. It was the mound and the hills and making sure the noises is as minimal as we can make it. We don't know what the noise was going to be just like we didn't know what was going to happen when we widened Broadway. We didn't know there was going to be development after that. There are a lot of challenges with this Village on a daily basis. None has been as widened and broad as this one. Certain people know that when you have a development, you got to come forth and let the residents know. They are going to know as long as we sit here anyway. WE have no idea but however it comes out we have to anticipate that it will be the best.



## Legislation

Ord 2022-8

Introduced by Mayor &  
Council as a whole  
2<sup>nd</sup> Reading

AN EMERGENCY ORDINANCE CONFIRMING THE APPOINTMENT OF THE LAW DIRECTOR AND FIXING THE COMPENSATION OF THE DIRECTOR OF LAW AND ASSISTANTS TO THE DIRECTOR OF LAW

Ord 2022-11

Introduced by Mayor &  
Council as a whole  
3<sup>rd</sup> Reading

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROJECT DEVELOPMENT AGREEMENT WITH KROGER FULFILLMENT NETWORK, INC., AND THE KROGER CO. (HEREINAFTER "THE COMPANY") AND DECLARING AN EMERGENCY

**Climer:** And before, there is an amended ordinance that I believe incorporates the changes that were requested by Council at the meeting last night. **Hardin:** Section 1.02 *As described in Section 2.01, the company will endeavor to create....* So, it's okay to use endeavor at the point because are you saying that if these other things are not met in Article 2? **Climer:** That is correct. Later on, in the ordinance in Section 2.01 is the clause that in a sense if they don't make the \$18 million in payroll, we notify them. And if they fail to make good on it, then they end up paying almost twice what they were supposed to pay. They will be default and their incentives will be taken away. **Hardin:** But it used the work 'may.' Is it okay to use the word 'may' there because it goes on to give the process? **Climer:** Yes. That is because it's our option. **Warren:** If OV doesn't do it, then it doesn't happen. **Hardin:** Why would we not do it if they don't give us the \$18 million? Why do we have a 'may'? **Climer:** I would never hem my own client to force them to take a step. That is OV decision. **Warren:** This word 'may' is leaving it totally up to OV option. **Climer:** It is in OV control. **Hardin:** Okay. **Williams:** So, can I just further that? Why would it not say shall? Is that to your point of view wouldn't require us to take a step? **Climer:** That is to the point that it is totally up to OV to decide not to take that step. **Hardin:** I am going to give you one more thought what I thought you were trying to say. Where the word 'may' is here, at this point, it goes on to say '*...if the shortfall payment is not made...*' these are the things that would happen. **Climer:** Yes. **Hardin:** So, over here is still 'may.' I am looking for the shall. Why would we not remove the incentives in 90 days? **Climer:** I don't know. **Gaither:** You have the option whether to do it or not. **Climer:** It keeps the option with OV. **Gaither:** The Village has the option. **Warren:** Then the question becomes why 9 times out of 10 we wouldn't but I don't think that is something that needs to be changed because we have the option. It's not taking any authority of the Village away. **Climer:** As a lawyer, I would not want to handcuff my client. OV has the ability to take away all the incentives. **Hardin:** What about the traffic and the things that he agrees to do? Where will that be memorialized? **Mayor:** As the safety director, I can direct the police department to do that. **Climer:** I was not a party to it, but it can be memorialized. **Hardin:** Where can we do that? **Climer:** Memorandum I would believe. **Williams:** Can you read what you're referring to? **Hardin:** The Mayor has agreed to certain traffic patterns over by Alexander. So, the fact that he agreed to it, where is it as a part of this package? **Climer:** That's not between Kroger. That's an enforcement issue within the Village. **Hardin:** But at some point, where do we deal with these issues? **Mayor:** You can ask for legislation by itself. **Climer:** We can do a MOU, we can do legislation. **Hardin:** I want to make certain because however I vote, it is based on some guarantees I have.

**MOTION TO ADD THE AMENDMENTS TO AGENDA** by Gaither; Seconded by Callender

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Williams **ABSTAINED:** Davis

**MOTION TO ADOPT** by Gaither; Seconded by Callender

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock **VOTE NO:** Williams **ABSTAINED:** Davis

**MOTIONS PASSED**

**Williams:** I am going to make my vote with a comment because I did not comment. I feel our duty here is to balance the agreements, to balance what income the Village needs, to balance what our residents are saying. They made it very easy tonight, with some good points and I am going to pull from those. I would have had much more comfortable in this situation had we had an opinion for this specific situation and not an opinion from 1998 that stated specifically why Mary Davis could not vote in this situation. The other thing is when we go door to door to out residents and we have them agree to something based on door-to-door conversations, I feel minimally that we should go back door to door or make every effort we can to bring them along on the ride, so they understand what the changes are and why they are happening.

I don't feel in my good faith that we did all that we could to do that. I do feel that a poll to our residents would have been very reasonable. A poll at the public hearing could have been very simple to implement just to get a feeling of how the residents were feeling about this. One of residents mentioned process. So, for me in the process of all this, it wasn't transparent, and I feel we should be transparent with our resident. I also feel that we should balance business and the people who live here. We have to live here every day regardless of what business transactions happen. I still have issues with specific sections of the agreement. And in particular this is a deal we have in front of us, but I do not believe this is the only deal. I would also feel more comfortable had I known there were other deals on the table and we declined those deal based on them not fitting in our community. None of us had any privy to what deals came along we didn't feel fit. None of that was put forth to the community. So, for that reason, my vote is a no.

Ord 2022-12  
Introduced by Mayor &  
Council as a whole  
3<sup>rd</sup> Reading

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN  
ACKNOWLEDGMENT OF TERMINATION OF THE PROJECT DEVELOPMENT  
AGREEMENT WITH PREMIER OAKWOOD, LLC (HEREINAFTER "THE COMPANY")  
AND DECLARING AN EMERGENCY

**Climer:** The revisions that were discussed with Council last night have been presented in an amended ordinance. And, Mrs. Hardin, this is where the \$75,000 for the restoration of the trees. **Williams:** I have a question about the \$75,000 that was added. So, we were under the impression that Premier is to plant all of this trees as part of the previous agreement. We have this \$75,000 added to replant the trees. Is that the same thing or is that the \$75,000 added at the request of Mrs. Hardin for the funds that we wanted replaced? **Climer:** Premier is paying to have the trees replaced. **Warren:** It's not the reimbursement that Mrs. Hardin was talking about. **Williams:** Thank you. So, the \$75,000 will be paid to us and for us and our Village employees to replace the trees? **Climer:** Or a contractor that the Village retains, yes. However, the Village chooses to do that. **Mayor:** The figure includes the labor. **Williams:** And we know it will not exceed this. What I am saying is are we still assuming some of this cost because they were supposed to assume it. **Mayor:** I would first come to Council, but I would go to Premier and say we need another \$5,000-\$6,000. I am sure they will do it. **Hardin:** This was handed to us yesterday. There was a zoning board of appeals meeting held on 11/29/2021 and at that meeting, point 5 '*there will be an expenditure of \$65,000...*' but the Mayor clarified it last night '*...by Premier development for the replacement cost of the unauthorized cutting down of trees on the Alexander Road site which includes 47 large shade trees, 15-20 feet high and 17 large native shrubs 6-8 feet....*' I don't know what that is supposed to replace and give you back the tranquility that they took. Does that sound right what they brought down (question to Mr. Kormanc)? **Resident 5:** I easy to get along with. Premier Development is a very first-class company, and I am comfortable in working with the Mayor and Council if need be. I am sure it's all going to be taken care of. So, Candace, that is the \$75,000 that is his. The \$85,000 that I asked about is not going to happen. **Williams:** So, this document supersedes this document? **Hardin:** This document backs up what we got tonight. **Williams:** But there is a difference of \$10,000. So, this document.... **Warren:** This document exceeds that document.... **\*inaudible-multiple voices\***

**MOTION TO ADD THE AMENDMENTS TO AGENDA** by Gaither; Seconded by Callender  
**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Williams **ABSTAINED:** Davis

**MOTION TO ADOPT** by Gaither; Seconded by Callender  
**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock **VOTE NO:** Williams **ABSTAINED:** Davis  
**MOTIONS PASSED**

Res 2022-13  
Introduced by Mayor &  
Council as a whole  
1<sup>st</sup> Reading

A RESOLUTION OF CONDOLENCE TO THE FAMILY OF GERALDINE TEELE

**MOTION TO SUSPEND** by Gaither; Seconded by Callender  
**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

**MOTION TO ADOPT** by Gaither; Seconded by Callender  
**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams  
**MOTIONS PASSED**

Res 2022-14  
Introduced by Mayor &  
Council as a whole  
1<sup>st</sup> Reading

A RESOLUTION OF CONDOLENCE TO THE FAMILY OF THE HONORALBE PAULA R.A  
MIZSAK

**MOTION TO SUSPEND by Hardin; Seconded by Callender**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

**MOTION TO ADOPT by Gaither; Seconded by Callender**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

**MOTIONS PASSED**

Ord 2022-15  
Introduced by Mayor &  
Council as a whole  
1<sup>st</sup> Reading

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT WITH CHAGRIN VALLEY ENGINEERING, LTD., AND SETTING FOR THE  
COMPENSATION AND FUNCTIONS OF THE VILLAGE ENGINEER AND HIS FIRM

**Hardin:** Any time there is a change, did the whole thing change or the numbers? **Mayor:** Just a small change to numbers and they did it will other communities they are working with. **Hardin:** I know he said that, but it should have been highlighted what the changes were, am I correct? **Williams:** We typically have the old contract with the new contract to compare? **Hardin:** Can we have that at the next meeting?

Res 2022-16  
Introduced by Mayor &  
Council as a whole  
1<sup>st</sup> Reading

A RESOLUTION OF CONDOLENCE TO THE FAMILY OF KEITH L. WHITED

**MOTION TO SUSPEND by Davis; Seconded by Gaither**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

**MOTION TO ADOPT by Hardin; Seconded by Callender**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

**MOTIONS PASSED**

Res 2022-17  
Introduced by Mayor &  
Council as a whole  
1<sup>st</sup> Reading

A RESOLUTION OF CONDOLENCE TO THE FAMILY OF TIMOTHY AGER

**MOTION TO SUSPEND by Hardin; Seconded by Gaither**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

**MOTION TO ADOPT by Hardin; Seconded by Davis**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

**MOTIONS PASSED**

Res 2022-18  
Introduced by Mayor &  
Council as a whole  
1<sup>st</sup> Reading

A RESOLUTION DECLARING THE WEEK OF MARCH 20-26, 2022, AS SEVERE  
WEATHER AWARENESS WEEK

**Hardin:** Why are we doing this? You gave us this. **Morgan:** It's basically what it is. It's usually every spring when the weather starts changing, each state has their own time frame to acknowledge. It's events that have you getting yourself more prepared for tornadoes, high winds, flooding, etc.... **Hardin:** Is there something special you do? Who does this? **Morgan:** The federal government. Wednesday, the 23<sup>rd</sup> will be tornado warning drill at 9:50am. This happens every year. You are to take the time to do your practice drill if there is a tornado warning.

**MOTION TO SUSPEND by Callender; Seconded by Davis**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

**MOTION TO ADOPT by Hardin; Seconded by Davis**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

**MOTIONS PASSED**

Res 2022-19

Introduced by Mayor &  
Council as a whole  
1<sup>st</sup> Reading

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE  
CUYAHOGA COUNTY SOLID WASTE DISTRICT AND DECLARING AN  
EMERGENCY

**MOTION TO SUSPEND by Callender; Seconded by Davis**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

**MOTION TO ADOPT by Hardin; Seconded by Gaither**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

**MOTIONS PASSED**

**Hardin:** I can talk to my friend Elaine. The other day something was bothering me, and I thought about a prayer you asked me to say (to Mrs. Gaither). I said the prayer, and something was revealed to me as it relates to this project. Mayor, I never, ever want to be involved in something where the process and the procedure is so convoluted that a 3<sup>rd</sup> 'P' has to be used. Placate. I never want to be a part of placating the people again. I am going to work through this one and in order to do that, the noise ordinance should be enforced as I started to say. Put that procedure in place now so that we know where we are going. Even during construction. Chief, let that be a part of your detail that you work with the law department so that as we go through this, these people have some protection and know we are concerned and going to monitor that noise level. **Garratt:** We have specific regulations on construction times, equipment and hours they can operate for the building of it. And I am sure Ed Hren is well.... **Hardin:** Here is another opportunity Mr. Mayor to do some public relations. I think we owe the people. Let them know this has been approved and that construction starts and what we have in place all of these things to give them some comfort level that we have not throw that corner to the dogs. **Mayor:** I will put something out that will be reviewed by Council before it goes out informing them of what they will be expecting. **Matlock:** A timeline. **Hardin:** And there is a process forever in place to monitor that noise over there. **Davis:** Can we also have Ed Hren talk to us and tell us about the options? **Mayor:** Yes. **Hardin:** The noise level and the construction timeframe will be shared with the people involved.

(Meeting ending in prayer)

**MOTION TO ADJOURN by Callender; Seconded by Gaither**

**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

**MEETING ADJOURNED: 9:18 pm**

Adopted

5/10/2022

Christine Morgan, Clerk of Council

Johnnie Warren, Council President